

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

I. Claim rejection – 35 U.S.C. § 102(e)

The advisory action asserts that claims 12, 17 and 37 are rejected for reasons of record, namely, that U.S. Patent No. 7,297,185 (hereinafter “Babish”) anticipates the claims. Specifically, the Office Action dated February 29, 2008 asserts that “Babish teaches that hypertension can be treated using the formulation in example 2 which includes dihydroisohumulone (an isohumulone),” and that “Babish is clear that hypertension is being treated.” Applicants respectfully traverse this ground for rejection.

The present claims are directed to methods of lowering blood pressure, comprising administering to a mammal suffering from hypertension isohumulones, or a hop extract and/or an isomerized hop extract. Babish does not teach or suggest such methods.

Babish teaches the administration of curcuminoids and alpha-acids (compounds isolated from hop plant products including isohumulones and humulones) or beta-acids to treat COX-2 associated diseases, such as inflammatory diseases, by inhibiting COX-2. *See e.g.*, Babish at abstract, col. 2, lines 60-61; col. 3, lines 6-9, and lines 20-27; col. 4, lines 30-34; col. 6, lines 31-52; col. 7 lines 17-23; col. 10, lines 29-23. Babish does not teach that hypertension is a COX-2 associated disease. *See, e.g.*, Babish at col. 9. There is simply no teaching or suggestion in Babish that isohumulones, a hop extract and/or an isomerized hop extract, could or should be used to lower blood pressure in a mammal suffering from hypertension, as recited in the instant claims.

The Examiner cited Example 2, asserting that “Babish teaches that hypertension can be treated by using the formulation in example 2 which includes ... an isohumulone.” (Office Action at page 3). However, none of the examples, including example 2, anticipate or even

suggest the present invention, and the Examiner's assertions reflect a misunderstanding of Babish.

The formulation in example 2 is illustrated for treatment of joint function following injury. It is mentioned in Examples 4, 5, and 6, which are prophetic examples of clinical trials of the treatment of psoriasis, Alzheimer's disease and colon cancer, respectively. In these examples, Babish indicates that the clinical trial protocol could permit "[t]reatment for health conditions such as diabetes, hypertension, etc. . . . during the study." Thus, the example indicates that a clinical trial of the use of its compositions for the treatment of psoriasis, Alzheimer's disease or colon cancer, could permit subjects that are also suffering from diabetes or hypertension to continue their usual treatment for those conditions while participating in the trial. This is not a teaching, however, that the Babish compositions are useful for treating hypertension. Indeed, due to the prophetic nature of these examples, there is no indication that Babish even administered its compositions to subjects suffering from hypertension, let alone that Babish lowered the blood pressure of any subject suffering from hypertension.

In summary, Babish's administration of a curcuminoid and an isohumulone for the treatment of COX-2 associated conditions is not the same as, and does not anticipate, the administration of isohumulones, or a hop extract and/or an isomerized hop extract to lower blood pressure in a mammal suffering from hypertension, as recited in the instant claims. Thus, the §102 rejection is improper and should be withdrawn.

II. Request for interview

If the Examiner still finds that the application is not in conditions for allowance, Applicant respectfully requests that the Examiner contact the undersigned at the telephone number set forth below in order to arrange an interview prior to the issuance of the next Office Action.

III. Conclusion

Applicants believe that the application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4094
Facsimile: (202) 672-5399

By Courtenay C. Brinckerhoff

Courtenay C. Brinckerhoff
Attorney for Applicant
Registration No. 37,288